

PROPOSED

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO. 2941
S.D. 1

A BILL FOR AN ACT

RELATING TO BRUSH FIRES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 "§708- Criminal property damage caused by brush fire.

5 (1) A person commits the offense of criminal property damage
6 caused by brush fire if the person intentionally, knowingly, or
7 recklessly:

8 (a) Sets fire to brush, grass, or other vegetation on the
9 land of another; or

10 (b) Permits a fire set to brush, grass, or other
11 vegetation on the person's own land to pass to brush,
12 grass, or vegetation on the land of another; and
13 the fire results in damage to 10,000 or more square feet of
14 property.

15 (2) This section shall not apply to:

16 (a) Open burning that is lawfully conducted in the course
17 of agricultural operations;



1 (b) Fire management operations that are conducted by the
2 State, a county, or the federal government;

3 (c) Prescribed or controlled burns that are conducted with
4 written authority from the department of land and
5 natural resources, the department of health, or a
6 county fire department; or

7 (d) Lawful activities that are conducted pursuant to any
8 rule adopted by a state agency.

9 (3) Criminal property damage under this section is a class
10 C felony; provided that any person convicted under this section
11 may be required to:

12 (a) Pay any costs associated with extinguishing the fire;
13 and

14 (b) Perform community service work in the area in which
15 the property damage occurred.

16 (4) With regard to any fine or monetary penalty that may
17 be imposed on a minor convicted under this section, the parents
18 or legal guardians of a minor shall be liable for the percentage
19 of the costs associated with extinguishing the fire based on the
20 apportionment of fire damage to real or personal property caused
21 by the minor in the course of committing an offense under this
22 section, whether the property is publicly or privately owned.

1 (5) Nothing in this section shall prohibit a separate
2 criminal or civil action by the State or a third party for
3 conduct that constitutes an offense under this section."

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun, before its effective date.

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

PROPOSED

Report Title:

Crimes; Brush Fires; Parental Liability

Description:

Creates a class C felony criminal property damage offense for setting brush fires. Permits court to assess defendant for cost of fighting fire. Makes parent or guardian liable for the cost of extinguishing the fire based upon the percentage of damage done by the minor. (SD1)

